

12:21PM

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH BONGIOVANNI,

Defendant.

Case No. 1:19-cr-227
(LJV)

September 6, 2024

TRANSCRIPT EXCERPT - EXAMINATION OF JOHN McDONALD
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

TRINI E. ROSS, UNITED STATES ATTORNEY
BY: JOSEPH M. TRIPI, ESQ.
NICHOLAS T. COOPER, ESQ.
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And

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And

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PRESENT:

BRIAN A. BURNS, FBI Special Agent
MARILYN K. HALLIDAY, HSI Special Agent
KAREN A. CHAMPOUX, USA Paralegal

LAW CLERK:

REBECCA FABIAN IZZO, ESQ.

COURT DEPUTY CLERK: COLLEEN M. DEMMA

COURT REPORTER: ANN MEISSNER SAWYER, FCRR, RPR, CRR
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2 Niagara Square
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* * * * *

(Excerpt commenced at 4:47 p.m.)

(Jury present.)

THE COURT: Call your next witness.

MR. COOPER: John McDonald.

J O H N M c D O N A L D, having been duly called and sworn,
testified as follows:

MR. COOPER: May I inquire?

THE COURT: You may.

DIRECT EXAMINATION BY MR. COOPER:

Q. Good afternoon, sir. How are you?

A. Good.

Q. Can you introduce yourself to the jury, please?

A. I'm John.

Q. How old are you?

A. 38. Oh, yeah. 38 next week.

Q. Okay. We're going to jump right into it.

04:48PM 1 John, during times in your life, have you struggled with
04:48PM 2 drug use?

04:48PM 3 A. Yes.

04:48PM 4 Q. At what age did you start using drugs?

04:48PM 5 A. 19.

04:48PM 6 Q. Okay. And you said you're about 38 now?

04:48PM 7 A. Yes.

04:48PM 8 Q. What kinds of drugs did you start using when you were
04:48PM 9 around 19?

04:48PM 10 A. Coke.

04:48PM 11 Q. Is that cocaine?

04:48PM 12 A. Yes.

04:48PM 13 Q. Okay. And have there been times in your life when you
04:48PM 14 used cocaine pretty frequently?

04:48PM 15 A. Yes.

04:48PM 16 Q. Would you describe yourself as being addicted to cocaine
04:48PM 17 at times in your life?

04:48PM 18 A. Yes.

04:48PM 19 Q. Have you sold cocaine before?

04:48PM 20 A. Yes.

04:49PM 21 **MR. COOPER:** Judge, may I approach the witness with
04:49PM 22 what's marked for identification as Government's
04:49PM 23 Exhibit 3649L?

04:49PM 24 **THE COURT:** Yes.

04:49PM 25 **MR. COOPER:** Thank you.

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BY MR. COOPER:

Q. John, just take a moment, look at that, and look back up at me when you're finished.

A. Yeah, I read this before.

Q. Do you recognize it?

A. Yes.

Q. Is that a copy of your plea agreement?

A. Yes.

MR. COOPER: May I approach, Judge?

THE COURT: Sure.

MR. COOPER: Thank you.

BY MR. COOPER:

Q. I asked you a few moments ago if you've sold cocaine before; do you remember that?

A. Yes.

Q. Have you?

A. Yes.

Q. Okay. And at some point, did you get arrested and charged related to being a drug dealer?

A. Yes.

Q. Did you plead guilty here in federal court?

A. Yes.

Q. As a part of that guilty plea, did you sign what's called a cooperation agreement?

A. Yes.

04:49PM 1 Q. Did you promise that when you were called upon, you'd sit
04:49PM 2 in that chair and testify truthfully?
04:49PM 3 A. Yes.
04:49PM 4 Q. Is that what you're here to do today?
04:49PM 5 A. Yes.
04:49PM 6 Q. Are you hoping at the back end that you'll get some
04:49PM 7 benefit on your sentencing?
04:49PM 8 A. Yes.
04:49PM 9 Q. Do you know what that will be?
04:49PM 10 A. No.
04:50PM 11 Q. Is it your intention to tell this jury the truth today?
04:50PM 12 A. Yeah.
04:50PM 13 Q. All right. I want to now jump into 2018.
04:50PM 14 In the year 2018, were you working?
04:50PM 15 A. Yes.
04:50PM 16 Q. What kind of work were you doing?
04:50PM 17 A. Roofer.
04:50PM 18 Q. Okay. Roofing's hard work?
04:50PM 19 A. Yes.
04:50PM 20 Q. Can you do roofing year-round?
04:50PM 21 A. No.
04:50PM 22 Q. When can you do roofing, John?
04:50PM 23 A. Summertime. Weather permits.
04:50PM 24 Q. Okay. And did you make money from doing roofing during
04:50PM 25 the summertime?

04:50PM 1 A. Yeah.

04:50PM 2 Q. What did you do to make money during the wintertime?

04:50PM 3 A. Sell drugs.

04:50PM 4 Q. Okay. Did you sell cocaine?

04:50PM 5 A. Yes.

04:50PM 6 Q. Were you using cocaine at that time in your life?

04:50PM 7 A. Yes.

04:50PM 8 Q. I want to talk to you now about an individual by the name

04:50PM 9 of Michael Sinatra. Do you know that person?

04:50PM 10 A. Yes.

04:50PM 11 Q. How do you know that person?

04:50PM 12 A. Just around, knowing individuals. We've crossed paths a

04:50PM 13 few times.

04:50PM 14 Q. Okay. Have you lived generally in this area your whole

04:50PM 15 life?

04:50PM 16 A. Yeah.

04:50PM 17 Q. Do you know a lot of people in the area?

04:50PM 18 A. Yeah.

04:50PM 19 Q. You said before that you use drugs, right?

04:50PM 20 A. Yes.

04:50PM 21 Q. Are you on drugs today?

04:51PM 22 A. No.

04:51PM 23 Q. Have you used drugs recently?

04:51PM 24 A. No.

04:51PM 25 Q. Okay. Did you know Michael Sinatra from the

04:51PM 1 neighborhood?

04:51PM 2 A. Yes.

04:51PM 3 Q. Do you know him from growing up?

04:51PM 4 A. Yes.

04:51PM 5 Q. Did you know Michael Sinatra to be involved in selling

04:51PM 6 drugs?

04:51PM 7 A. Yes.

04:51PM 8 Q. Tell the jury what kind of drugs you knew Michael Sinatra

04:51PM 9 to be involved in selling.

04:51PM 10 A. Weed and cocaine.

04:51PM 11 Q. And when you say "weed" do you mean marijuana?

04:51PM 12 A. Yes.

04:51PM 13 Q. How do you know that Michael Sinatra sold weed and

04:51PM 14 marijuana?

04:51PM 15 A. 'Cuz --

04:51PM 16 Q. Weed and cocaine, I'm sorry.

04:51PM 17 A. Oh, I've been there with him when he's done it.

04:51PM 18 Q. Okay. Have you watched him sell drugs to people?

04:51PM 19 A. Yeah.

04:51PM 20 Q. In late 2018, so we're talking like fall, winter, did you

04:51PM 21 know where Michael Sinatra lived?

04:51PM 22 A. Yes.

04:51PM 23 Q. Had you been to his house before?

04:51PM 24 A. Yes.

04:51PM 25 Q. About how many times had you been in his house before?

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1 A. Half dozen, dozen, maybe more.

2 Q. Had you ever been in his basement before?

3 A. Yes.

4 Q. Can you tell the jury around that timeframe, around 2018,

5 what did you observe when you were in Michael Sinatra's

6 basement?

7 A. Well, at that time, the roommate I was living with at

8 that time was Sinatra's old roommate, lived in his basement.

9 He moved out of Sinatra's basement. And we moved in

10 together.

11 And then he turned his basement into a grow room.

12 Q. Who turned their basement into grow room?

13 A. Michael Sinatra.

14 Q. Okay. Did you see that with your own eyes?

15 A. Yes.

16 Q. So, you -- I want to unpack the information that you gave

17 there for a moment.

18 At one point, did Michael Sinatra have a roommate?

19 A. I -- me -- me and Andy moved in together around 2015,

20 2016.

21 Q. Okay. And did Andy have some connection to Mike Sinatra?

22 A. Yeah.

23 Q. Okay.

24 A. That's really how I met Mike is through Andy.

25 Q. Okay. Is Andy a friend of yours?

04:52PM

1 A. Yes.

04:52PM

2 Q. When you and Andy moved in together, did you begin to

04:52PM

3 interact with Mike Sinatra?

04:52PM

4 A. Yes.

04:52PM

5 Q. You told the jury a moment ago that you saw Mike Sinatra

04:52PM

6 sell drugs before, right?

04:52PM

7 A. Yeah.

04:52PM

8 Q. Had you gone out and socialized with Mike Sinatra?

04:52PM

9 A. Yeah.

04:53PM

10 Q. And you told the jury that you'd been to his house, like,

04:53PM

11 six or eight times; do you remember that?

04:53PM

12 A. Um-hum.

04:53PM

13 Q. Can you just tell them, like, what were you doing going

04:53PM

14 to his house?

04:53PM

15 A. I mean, we go in there and take care of his plants when

04:53PM

16 he was out of town, or feed the dogs. Whatever. Like, him

04:53PM

17 and Andy were really good friends, and we would stop there,

04:53PM

18 like, on our way out to the bars or whatever, just to do

04:53PM

19 whatever they had going on.

04:53PM

20 Q. Okay. I want to break down two things there.

04:53PM

21 You said we would go and take care of his plants. What

04:53PM

22 kind of plants are you talking about?

04:53PM

23 A. Weed plants.

04:53PM

24 Q. Okay. Would you go and take care of his plants that he

04:53PM

25 was growing?

04:53PM

1 A. Yes.

04:53PM

2 Q. You also testified that he and Andy were really good

04:53PM

3 friends; do you remember saying that?

04:53PM

4 A. Yes.

04:53PM

5 Q. Were you really good friends with Mike Sinatra?

04:53PM

6 A. No, not at all.

04:53PM

7 Q. Did you like him?

04:53PM

8 A. No.

04:53PM

9 Q. Did you observe marijuana every time you were at Michael

04:53PM

10 Sinatra's house?

04:53PM

11 A. Yeah.

04:53PM

12 Q. Do you know a person by the name of Ronald Rowles?

04:53PM

13 A. Yes.

04:53PM

14 Q. How do you know that person?

04:53PM

15 A. Used to be my brother.

04:53PM

16 Q. Okay. When you say used to be your brother, your last

04:53PM

17 name is McDonald, right?

04:53PM

18 A. Yeah.

04:53PM

19 Q. Is he a biological brother, or --

04:54PM

20 A. No, we call each other brothers.

04:54PM

21 Q. Okay. Were you very close with Mr. Rowles?

04:54PM

22 A. Yes.

04:54PM

23 Q. Back in 2018, that same timeframe we're talking about,

04:54PM

24 were you very close with Mr. Rowles?

04:54PM

25 A. Yes.

04:54PM 1 Q. Did there come a time when you had discussions with
04:54PM 2 Mr. Rowles -- or, I'm sorry, withdrawn.

04:54PM 3 Have you ever had discussions with Mike Sinatra regarding
04:54PM 4 making money from selling marijuana?

04:54PM 5 A. Yes.

04:54PM 6 Q. Can you tell the jury what you overheard Sinatra bragging
04:54PM 7 about?

04:54PM 8 A. That he had a hundred grand to buy as much weed as he
04:54PM 9 wanted to.

04:54PM 10 Q. Okay. And what was the context of him saying that?

04:54PM 11 A. He just fucking brags about everything.

04:54PM 12 Q. Okay. And you remember him saying that?

04:54PM 13 A. Yeah.

04:54PM 14 Q. Did that stick out in your mind?

04:54PM 15 A. Yeah.

04:54PM 16 Q. What did that make you think? Tell the jury. When you
04:54PM 17 heard him say that, what started going on in your head?

04:54PM 18 A. Um, I'm taking it. I'm taking it. I'm kicking in his
04:54PM 19 door and taking your shit.

04:54PM 20 Q. Did you know him to have a safe in his house?

04:54PM 21 A. Yes.

04:54PM 22 Q. How did you know that?

04:54PM 23 A. I've seen it.

04:54PM 24 Q. Did you know where it was in his house?

04:54PM 25 A. Um-hum.

04:54PM 1 Q. Is that a yes?

04:54PM 2 A. Yes.

04:55PM 3 Q. Sorry, Ann has to type everything down.

04:55PM 4 Where was it in his house?

04:55PM 5 A. In his bedroom closet.

04:55PM 6 Q. Had you seen it there before?

04:55PM 7 A. Yes.

04:55PM 8 Q. At some point after you hear Michael Sinatra bragging

04:55PM 9 about having \$100,000, did you decide to burglarize his

04:55PM 10 house?

04:55PM 11 A. Yes.

04:55PM 12 Q. Did you discuss that plan with someone?

04:55PM 13 A. Yes.

04:55PM 14 Q. Who did you discuss that plan with?

04:55PM 15 A. Ronald Rowles.

04:55PM 16 Q. Give me a timeframe, and estimate if you have to.

04:55PM 17 When did you and Ronald Rowles come up with this plan to

04:55PM 18 burglarize Mike Sinatra's house?

04:55PM 19 A. The end of 2018. Like, December of 2018.

04:55PM 20 Q. Okay. And did there come a time around New Year's Eve of

04:55PM 21 December of 2018 when you ultimately carried out that plan?

04:55PM 22 A. Yes.

04:55PM 23 Q. Did you pick that day, December 31st of 2018, for any

04:55PM 24 specific reason?

04:55PM 25 A. Yeah.

04:55PM 1 Q. Can you tell them why?

04:55PM 2 A. 'Cuz no drug dealer in the world is home on New Year's

04:56PM 3 Eve.

04:56PM 4 Q. Where are they?

04:56PM 5 A. At the party.

04:56PM 6 Q. Okay?

04:56PM 7 A. They're selling drugs.

04:56PM 8 Q. Did you want to burglarize the house when Sinatra was not

04:56PM 9 home?

04:56PM 10 A. Yes.

04:56PM 11 Q. Was that a part of your plan?

04:56PM 12 A. Yeah.

04:56PM 13 Q. Can you describe for this jury how that burglary played

04:56PM 14 out? What did you do?

04:56PM 15 A. So, like I said, I always used to go to his house to

04:56PM 16 water the plants or whatever. And we forgot the keys, so

04:56PM 17 we'd be able to card the door open with a credit card.

04:56PM 18 So I figured that's what I was gonna do.

04:56PM 19 But he put a new door on. So I had to smash the window

04:56PM 20 of the door.

04:56PM 21 Q. Okay. What did you smash the window of the door with?

04:56PM 22 A. He had a log laying in his driveway.

04:56PM 23 Q. Okay. And when you smashed the window with the log, were

04:56PM 24 you able to gain access inside the house?

04:56PM 25 A. Yes.

04:56PM 1 Q. Was anybody home?

04:56PM 2 A. No.

04:56PM 3 Q. Describe what you did when you got inside.

04:56PM 4 A. I went inside and messed up the kitchen, like, opened the
04:56PM 5 cupboards and knocked everything out onto the floor. Then
04:56PM 6 went in and took the safe and left.

04:56PM 7 Q. Why did you mess up the kitchen?

04:56PM 8 A. To make it look like they were looking for something. Or
04:56PM 9 someone was looking for the safe, or money, or whatever. Not
04:56PM 10 just like it was someone he knew. Trying to throw him off a
04:56PM 11 little bit.

04:56PM 12 Q. Did you want him to be able to figure out that it was
04:57PM 13 you?

04:57PM 14 A. No.

04:57PM 15 Q. Were you trying to cover your tracks?

04:57PM 16 A. Yeah.

04:57PM 17 Q. Did you go into the bedroom ultimately and get the safe?

04:57PM 18 A. Yes.

04:57PM 19 Q. Was it heavy?

04:57PM 20 A. Yes.

04:57PM 21 Q. How did you get it out of the house?

04:57PM 22 A. I picked it up, carried it.

04:57PM 23 Q. What did you do with it when you picked it up?

04:57PM 24 A. Put it up on my shoulder, walked out the door, and threw
04:57PM 25 it in the back of the truck.

04:57PM 1 Q. Who was in the truck?

04:57PM 2 A. Ronald Rowles.

04:57PM 3 Q. Okay. When you walk out of the house with the safe, you

04:57PM 4 put it in the truck, do you and Rowles leave together?

04:57PM 5 A. Yes.

04:57PM 6 Q. Where is the first place that you go?

04:57PM 7 A. I'm not sure of the dude's name. One of his buddies.

04:57PM 8 We went into his garage, and I opened up the safe while

04:57PM 9 he took a walk with the guy inside and talked to him,

04:57PM 10 whatever.

04:57PM 11 Q. Okay. So you go with Rowles to someone's house; is that

04:57PM 12 right?

04:57PM 13 A. Um-hum.

04:57PM 14 Q. And do you go into the garage?

04:57PM 15 A. Yes.

04:57PM 16 Q. Do you bring the safe in the garage?

04:57PM 17 A. Yes.

04:57PM 18 Q. Describe what you do then.

04:57PM 19 A. I took a -- he had all the tools, that's why we went

04:57PM 20 there. I took a grinder, hit the hinges, and then beat it

04:57PM 21 with a sledgehammer until opened.

04:58PM 22 Q. Was Rowles in there with you when you did that?

04:58PM 23 A. No.

04:58PM 24 Q. Was the guy who owned the home in there with you when you

04:58PM 25 did that?

04:58PM

1 A. No.

04:58PM

2 Q. When you hit the hinges with a grinder, and then took a

04:58PM

3 sledgehammer to the door of the safe, were you able to get it

04:58PM

4 open?

04:58PM

5 A. Yes.

04:58PM

6 Q. Can you describe what happened when it eventually opened?

04:58PM

7 A. So as I'm swinging away with the sledgehammer, obviously

04:58PM

8 the door pushes in, and the sledgehammer goes in. So as I'm

04:58PM

9 pulling it out to take another swing just to make sure, it

04:58PM

10 had caught a bag of cocaine and it ripped open on the safe.

04:58PM

11 So now there's about a key of coke flying through the air.

04:58PM

12 Everything was covered with cocaine.

04:58PM

13 Q. Are you familiar with what cocaine smells and tastes

04:58PM

14 like?

04:58PM

15 A. Yes.

04:58PM

16 Q. Have you used a lot of cocaine in your life?

04:58PM

17 A. Yes.

04:58PM

18 Q. Are you sure it was cocaine floating around through the

04:58PM

19 air?

04:58PM

20 A. Yes.

04:58PM

21 Q. Did you see packaging material near the sledgehammer?

04:58PM

22 A. Yes.

04:58PM

23 Q. When you're standing in the garage with the sledgehammer

04:58PM

24 and the cocaine everywhere in the air, what did you do?

04:58PM

25 A. I started looking, emptying the rest of the safe, to see

1 what was actually in there.

2 Q. Other than what you described as a key of cocaine that
3 broke open, what else was inside the safe?

4 A. Around \$260,000 and some jewelry.

5 Q. What did you do with the \$260,000?

6 A. Split it up and spent it.

7 Q. Okay. We're gonna get there in a second. But, like, in
8 that moment, what do you do with the safe?

9 A. Oh, I -- was an empty cooler in the dude's garage, and I
10 just put all the contents into the cooler.

11 Q. Okay. And you said there was some jewelry, as well?

12 A. Jewelry yes.

13 Q. Did you put the jewelry in the cooler as well?

14 A. Yes.

15 Q. Okay. At some point did Rowles and the guy who owns the
16 garage come back?

17 A. Yes.

18 Q. What did you do?

19 A. Right as -- right as it opened, you know what I mean, as
20 the safe opened, they came in as the coke was settling. And
21 we just -- I was pulling money out pulling it in the cooler.
22 And I handed him an envelope, I don't know how much was in
23 there.

24 I was like, we weren't here. And we grabbed the safe,
25 and got in the truck and left.

04:59PM 1 Q. Did you give the guy who owns the house, the envelope you
04:59PM 2 gave him, was there money inside?

04:59PM 3 A. Yeah.

04:59PM 4 Q. Was all that money that you described a moment ago
04:59PM 5 contained in a series of envelopes?

04:59PM 6 A. Yeah.

04:59PM 7 Q. Did you count it right there?

04:59PM 8 A. No.

05:00PM 9 Q. Okay. So when you look at it, you just see what?

05:00PM 10 A. Just bank envelopes.

05:00PM 11 Q. Okay.

05:00PM 12 A. Packed.

05:00PM 13 Q. Okay. After you give the owner of the home one of the
05:00PM 14 bank envelopes, do you and Rowles leave?

05:00PM 15 A. Yes.

05:00PM 16 Q. Where did you go?

05:00PM 17 A. Some projects in the Falls.

05:00PM 18 Q. Okay.

05:00PM 19 A. We ditched the safe in the Dumpster, and then we went
05:00PM 20 back to our house.

05:00PM 21 Q. After you got rid of the safe in a Dumpster and went back
05:00PM 22 to your house, did you count the money at that point?

05:00PM 23 A. Yes.

05:00PM 24 Q. Okay. What do you remember doing with the money when you
05:00PM 25 got back to your house?

05:00PM 1 A. Ran in my room, and dumped it on my -- dumped the cooler
05:00PM 2 out on my bed and jumped in it.

05:00PM 3 Q. Jumped in the money?

05:00PM 4 A. Yep.

05:00PM 5 Q. What do you remember doing next after the money on the
05:00PM 6 bed and jumping in it?

05:00PM 7 A. We just -- I grabbed, like, \$20,000 each, and went out to
05:00PM 8 the strip club.

05:00PM 9 Q. Who went with you?

05:00PM 10 A. I couldn't even tell you, there was so many of us that
05:00PM 11 went out to the strip club. There was two carloads.

05:00PM 12 Q. Did Rowles go with you?

05:00PM 13 A. Yes.

05:00PM 14 Q. You said you went to a strip club. What strip club did
05:01PM 15 you go to?

05:01PM 16 A. Show Girls.

05:01PM 17 Q. What was that?

05:01PM 18 A. Show Girls.

05:01PM 19 Q. Okay. Have you heard of a place called Pharaoh's before?

05:01PM 20 A. Yeah, I was banned from Pharaoh's at that time.

05:01PM 21 Q. Okay. And we'll circle back to that in just a second.

05:01PM 22 When you go out with, like, the \$20,000 to the strip
05:01PM 23 club, were you out for a period of time after that?

05:01PM 24 A. Yes.

05:01PM 25 Q. Were you partying?

1	A. Yes.
---	---------

2 | Q. Were you using drugs?

3	A. Yes.
---	---------

4 | Q. How long did that last?

5	A. A few days.
---	----------------

6 | Q. During that few days when you're out partying, did you

7 | become aware that people were looking for you?

8	A. Yeah.
---	----------

9 | Q. What was your understanding about who was looking for

10 | you?

11 | A. What I was told, it was a couple biker clubs and the mob.

12 | Q. Okay. You mentioned that there was some jewelry in the

13 | safe as well; is that right?

14	A. Yes.
----	---------

15 | Q. What did you plan to do with the jewelry from the safe?

16 | A. Well, I -- from what -- the jewelry that I seen in the

17 | safe, I threw out. I grabbed it and threw it out.

18 | Q. Why did you do that?

19 | A. Because I didn't want to get caught, like, selling

20 | jewelry. And people see you wearing their shit, you're gonna

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21 | get caught.
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22 | Q. Do you know if Rowles also got rid of all the jewelry?

23 | A. No, he didn't. He had took a ring out of the pile of

24 | jewelry and kept it.

25 | Q. Are you aware of whether Rowles was captured in some

05:02PM 1 pictures wearing that ring?

05:02PM 2 A. Yes.

05:02PM 3 Q. Were those on social media?

05:02PM 4 A. Yes.

05:02PM 5 Q. Did people become aware that you and Rowles were
05:02PM 6 involved?

05:02PM 7 A. Yes.

05:02PM 8 Q. Did you find out, or did you form a belief at some point,
05:02PM 9 that the mob, as you described it, was looking for you?

05:02PM 10 A. Yes.

05:02PM 11 Q. Do you know if that ring that Rowles was wearing had any
05:02PM 12 significance?

05:02PM 13 A. Yes.

05:02PM 14 Q. Describe that for the jury.

05:02PM 15 A. It belonged to Stefano Magaddino, or whatever the fuck
05:02PM 16 his name is.

05:02PM 17 Q. Okay. Did you believe that the ring had some association
05:02PM 18 with Italian Organized Crime?

05:02PM 19 A. Yes.

05:02PM 20 Q. After your few days out partying, where do you go?

05:03PM 21 A. Back home.

05:03PM 22 Q. Do you eventually go home?

05:03PM 23 A. Yeah.

05:03PM 24 Q. Okay. And when you get home, what do you do?

05:03PM 25 A. Pop a couple Xanax, because it's time to go to sleep.

1 Q. Were you able to go to sleep?

2 A. No. Not at all.

3 Q. What happened?

4 A. I had a female come in the room and wake me up. I though
5 she was just jealous because I had another bitch in the bed,
6 thought she was just -- you know what I mean?

7 And she's, like, Tony got pulled over.

8 What you fuck you want me to do? I ain't got no license.
9 I just went to sleep. Fuck Tony.

10 And she comes back -- I don't know how much time went by,
11 but she comes back in, smashes the phone off my face.

12 Wake up, it's Ronald on the phone, talking about get your
13 shit and get out the house, we're about to get raided.

14 I was like, you're fucking crazy. I was like, you're
15 paranoid.

16 Then I looked out the window, and I watch the feds pull
17 in the driveway.

18 Q. You said Ronald called you and told you get out, you're
19 about to get raided?

20 A. Um-hum.

21 Q. And that's when you looked out the window?

22 A. Yeah.

23 Q. When you looked out the window, did you believe Ronald
24 was right, that you were about to get raided?

25 A. Yeah.

05:03PM 1 Q. What did you do at that moment?

05:04PM 2 A. Put on some clothes, grabbed -- grabbed my half of the
05:04PM 3 money, and ran out the back door through a golf course.

05:04PM 4 Q. Are we talking about January in 2019?

05:04PM 5 A. Yeah. January 3rd, I believe.

05:04PM 6 Q. Cold outside?

05:04PM 7 A. Yes.

05:04PM 8 Q. Was there snow on the ground?

05:04PM 9 A. Yes.

05:04PM 10 Q. Were you able to get away by running out the back door
05:04PM 11 and through the golf course?

05:04PM 12 A. Yeah. I was in my underwear carrying everything.

05:04PM 13 Q. Where did you go?

05:04PM 14 A. I went and called a cab. Ran a couple holes, stopped,
05:04PM 15 got dressed, called a cab. And then went to the Econo Lodge.

05:04PM 16 Q. Okay. After getting to the Econo Lodge, did you
05:04PM 17 eventually come up with a plan to get out of New York?

05:04PM 18 A. Yeah.

05:04PM 19 Q. What was the plan?

05:04PM 20 A. Well, it was already in motion before we got raided. I
05:04PM 21 was leaving and going to Florida. Once I got raided, it just
05:04PM 22 moved up the timeline.

05:04PM 23 Q. Okay. Did you ultimately flee to Florida?

05:04PM 24 A. Yes.

05:04PM 25 Q. Who did you go with?

05:04PM 1 A. It was couple females.

05:04PM 2 Q. Okay. What did you do when you got down to Florida?

05:04PM 3 A. Found a job. Got a house. And just lived a normal life.

05:04PM 4 Q. Were you spending the money that you had stolen from

05:04PM 5 Sinatra's safe?

05:05PM 6 A. Yeah.

05:05PM 7 Q. At some point, did you decide to take a vacation and

05:05PM 8 spend some of that money on a cruise?

05:05PM 9 A. Yes.

05:05PM 10 Q. Who did you go on the cruise with?

05:05PM 11 A. Ronald Rowles, a couple people from his family, a couple

05:05PM 12 other buddies.

05:05PM 13 Q. At the end of that cruise, when you came back into port,

05:05PM 14 so to speak, did you get arrested?

05:05PM 15 A. Yes.

05:05PM 16 Q. Can you describe for the jury how that happened?

05:05PM 17 A. I woke up -- I don't know. We had to be off the boat at

05:05PM 18 like 7 a.m. I remember laying down at like 5:30. I was

05:05PM 19 mother-fucking myself, like, dude, you gotta get up in an

05:05PM 20 hour.

05:05PM 21 And I woke up, seen the alarm clock. It was like 5 to

05:05PM 22 6:00, and there was a dog barking in my face. And my room

05:05PM 23 was filled with federal agents and customs, whatever the fuck

05:05PM 24 it was. I don't remember.

05:05PM 25 And I thought I was getting arrested for like being an

05:05PM 1 asshole the last night on the cruise. So I was talking like
05:05PM 2 crazy shit to the cops. Fuck you. Suck my dick. Take me to
05:05PM 3 jail, I got bail money.

05:05PM 4 And that just wasn't the case.

05:05PM 5 Q. Okay. Did they arrest you?

05:05PM 6 A. Yeah.

05:06PM 7 Q. At some point after they arrested you, did you realize
05:06PM 8 that you weren't being arrested for your conduct on the
05:06PM 9 cruise?

05:06PM 10 A. Yeah.

05:06PM 11 Q. Okay. Was this about -- were you encountered -- or, did
05:06PM 12 you encounter a special agent by the name of Marilyn
05:06PM 13 Halliday?

05:06PM 14 A. Yes.

05:06PM 15 Q. Did she tell you what you were being arrested for?

05:06PM 16 A. Yes.

05:06PM 17 Q. Did you realize that it was more serious than that?

05:06PM 18 A. Yes.

05:06PM 19 Q. I asked you earlier towards the beginning of your direct
05:06PM 20 examination if you had ultimately pled guilty. Was that as a
05:06PM 21 result of the arrest with Special Agent Halliday?

05:06PM 22 A. Yes.

05:06PM 23 Q. Now, we paused for a moment to talk about Pharaoh's, and
05:06PM 24 you said you had been there before, but at the time of the
05:06PM 25 burglary you were not welcome at Pharaoh's; is that correct?

05:06PM

1 A. Yes.

05:06PM

2 Q. How many times have you been to Pharaoh's?

05:06PM

3 A. Uncountable.

05:06PM

4 Q. Okay. Would it be fair to say that you frequented that

05:06PM

5 location?

05:06PM

6 A. Yes.

05:06PM

7 Q. What years do you think you frequented Pharaoh's, John?

05:06PM

8 A. From, like, '14 to '17.

05:06PM

9 Q. Okay. So is that 2014 to 2017?

05:07PM

10 A. Yeah.

05:07PM

11 Q. How often would you go there during that three-year

05:07PM

12 period?

05:07PM

13 A. Almost every day.

05:07PM

14 Q. Okay. And you've told the jury that you used cocaine

05:07PM

15 during that time period; is that correct?

05:07PM

16 A. Yes.

05:07PM

17 Q. Have you ever used cocaine at Pharaoh's?

05:07PM

18 A. Yes.

05:07PM

19 Q. Once or more than once?

05:07PM

20 A. Every time.

05:07PM

21 Q. Okay. When you used cocaine at Pharaoh's, would you have

05:07PM

22 to go hide in the bathroom in order to do it?

05:07PM

23 A. No.

05:07PM

24 Q. Where would you use cocaine at Pharaoh's?

05:07PM

25 A. Right where I was sitting.

05:07PM 1 Q. Is there an open area where you can sit and watch stage
05:07PM 2 dances?
05:07PM 3 A. Um-hum.
05:07PM 4 Q. Is that a yes?
05:07PM 5 A. Yes.
05:07PM 6 Q. Are there tables there?
05:07PM 7 A. Yes.
05:07PM 8 Q. Is there a bar?
05:07PM 9 A. Yes.
05:07PM 10 Q. Would you use cocaine right out in the open at Pharaoh's?
05:07PM 11 A. Yes.
05:07PM 12 Q. At any point did someone come over to you and say, oh, my
05:07PM 13 God, you have cocaine? Get out of here. I'm calling the
05:07PM 14 police.
05:07PM 15 A. No.
05:07PM 16 Q. Did that ever happen?
05:07PM 17 A. No.
05:07PM 18 Q. How did you use cocaine out in the open? Like, what
05:07PM 19 would you do? Tell the jury.
05:07PM 20 A. Dump it on my fingers and sniff my fingers.
05:07PM 21 Q. Were you being quiet and shy about it?
05:07PM 22 A. No.
05:07PM 23 Q. Did you ever sell cocaine at Pharaoh's?
05:07PM 24 A. Yes.
05:07PM 25 Q. Did you sell cocaine to the customers there?

1 A. Yes.

2 Q. Did you sell cocaine to dancers there?

3 A. Yes.

4 Q. I asked you in the beginning of your direct examination
5 if a guy named Michael Sinatra sold drugs; do you remember
6 that?

7 A. Yes.

8 Q. Was Michael Sinatra's reputation in the community that of
9 a drug dealer?

10 A. Yes.

11 Q. Was that something he spoke about openly?

12 A. Yes.

13 Q. Did he talk about selling lots of marijuana?

14 A. Yes.

15 Q. Did he talk about having lots of money?

16 A. Yes.

17 Q. Is that something that he hid from people?

18 A. No. That's how I got the idea to rob him, was from him.

19 **MR. COOPER:** Judge, if I may just have one moment?

20 I have no further direct. Thank you, Judge.

21 **THE COURT:** Cross?

22 **MR. MacKAY:** Very quick, Judge.

23

24 **CROSS-EXAMINATION BY MR. MacKAY:**

25 Q. Mr. McDonald, you had an exciting transition from 2018 to

1 2019, it sounds like; is that fair to say?

2 A. Yes.

3 Q. I just wanted to circle back on something.

4 You said when you busted open the safe, and you thought
5 it was approximately a key in there?

6 A. Yes.

7 Q. Do you recall it being closer to actually a quarter kilo?

8 A. I really -- there was really no way to tell, but that's
9 what I thought at the time. And like --

10 Q. What about would it help to refresh your recollection to
11 look at something to see? Can I show you something?

12 A. Sure.

13 Q. Sure.

14 **MR. MacKAY:** Ms. Champoux, can we show the witness
15 only Government Exhibit 3649M page 22.

16 **BY MR. MacKAY:**

17 Q. So if you just read those lines that I've bracketed off
18 to yourself, look up at me when you're done.

19 A. Yes, I see it says about 9 ounces.

20 Q. And that was going to be my question. How much do you
21 remember if anything was in there?

22 A. It's about 9 ounces.

23 Q. Okay.

24 A. It would be a quarter key.

25 Q. A quarter key is, you know --

1 A. 250 grams. A softball.

2 Q. Yeah. You gave me exactly what I was looking for, a
3 rough estimate. About a softball size?

4 A. Um-hum.

5 **MR. MacKAY:** Okay. You can take that down,
6 Ms. Champoux. Thank you.

7 **BY MR. MacKAY:**

8 Q. So, you go on a bit of a party bender for a while,
9 correct?

10 A. Yes.

11 Q. Then you get arrested, correct?

12 A. Yes.

13 Q. Now you talked about prior --

14 A. No. No, I didn't get arrested. I never got arrested
15 when I got raided. I got away.

16 Q. Right. That's what I mean. Later at a point in time,
17 you do get arrested down in Florida, right?

18 A. Yes.

19 Q. Okay. And then, but you were talking about previously
20 you had been at Pharaoh's Gentlemen's Club a few times,
21 right?

22 A. Yes.

23 Q. And you told Mr. Cooper here about how you'd done drugs
24 there, correct?

25 A. Yes.

1 Q. And how you had sold drugs, correct?

2 A. Yes.

3 Q. And ultimately you were banned from there because of that
4 activity, correct?

5 A. Yes.

6 Q. And you've gone to other strip clubs, correct?

7 A. Yes.

8 Q. Like, you went to Show Girls the night of that party
9 bender, right?

10 A. Yes.

11 Q. Did drugs there as well, too?

12 A. Yes.

13 Q. And you've seen drug use at other strip clubs as well,
14 correct?

15 A. Yes.

16 **MR. MacKAY:** Nothing further, Your Honor.

17 **THE COURT:** Anything more?

18 **MR. COOPER:** Just one second, Judge, please.

19

20 **REDIRECT EXAMINATION BY MR. COOPER:**

21 Q. On the topic of why you were banned from Pharaoh's, is it
22 because you acted like you owned the place?

23 A. That's what they told me.

24 Q. Okay. So when Mr. MacKay just asked you if it was for
25 selling drugs, do you know if that's the reason why?

05:11PM 1 A. No, I went to go -- I went to go in after being gone for
05:11PM 2 like a month, or whatever. I went to go, me and Ronald went
05:11PM 3 to go in one night, and they said you guys aren't allowed in.
05:11PM 4 And I said why?
05:11PM 5 And he said, you act like you own the motherfucker.
05:11PM 6 Q. Okay. When you were on the cruise, you described that
05:11PM 7 you engaged in some pretty obnoxious conduct; is that right?
05:11PM 8 A. Yes.
05:11PM 9 Q. When you were on the cruise, the night before you came
05:11PM 10 back to port, were you smoking marijuana in the hallways?
05:11PM 11 A. Yes.
05:11PM 12 Q. Were you slapping pizza pies on the walls?
05:11PM 13 A. Yes.
05:11PM 14 Q. Were you acting like a jerk, John?
05:11PM 15 A. Yes.
05:12PM 16 Q. Okay. When you would be at Pharaoh's, would you
05:12PM 17 sometimes act like a jerk?
05:12PM 18 A. Yes.
05:12PM 19 Q. Would you get high on cocaine?
05:12PM 20 A. Yes.
05:12PM 21 Q. Okay. Did anybody ever tell you, it's because you're
05:12PM 22 selling cocaine, you can't come here anymore?
05:12PM 23 A. No. That was just said, I acted like I owned the place.
05:12PM 24 That's what they told me when I went to go in.
05:12PM 25 Q. The last question or topic I have is that softball size

1 bag of cocaine that you saw inside of the safe from Michael
2 Sinatra's house, is a softball size bag of cocaine a user
3 amount of cocaine for a normal person?

4 A. No.

5 Q. Is that a distribution amount?

6 A. Yes.

7 Q. Is \$260,000 next to a softball-size bag of cocaine
8 consistent with selling drugs?

9 A. I would say so.

10 Q. Have you ever had \$260,000 that you made from selling
11 drugs, John?

12 A. Not that much.

13 **MR. COOPER:** Okay. I have no further questions.

14 **THE COURT:** Anything more?

15 **MR. MacKAY:** No further questions, Your Honor.

16 **THE COURT:** Okay. You can step down, sir.

17 (Witness excused at 5:12 p.m.)

18 (Excerpt concluded at 5:12 p.m.)

19 * * * * *

20

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CERTIFICATE OF REPORTER

In accordance with 28, U.S.C., 753(b), I
certify that these original notes are a true and correct
record of proceedings in the United States District Court for
the Western District of New York on September 6, 2024.

s/ Ann M. Sawyer

Ann M. Sawyer, FCRR, RPR, CRR

Official Court Reporter

U.S.D.C., W.D.N.Y.

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SEPTEMBER 6, 2024

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